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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/584,045	05/30/2000	Andrew Hausman	3524/14	9896
29858	7590	08/28/2006	EXAMINER	
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP			COLBERT, ELLA	
900 THIRD AVENUE			ART UNIT	
NEW YORK, NY 10022			PAPER NUMBER	

3693

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/584,045	Applicant(s) HAUSMAN, ANDREW	
	Examiner Ella Colbert	Art Unit 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-17, 19, 20 and 34-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-17, 19, 20 and 34-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 15- 17, 19, 20, and 34-37 are pending in the response file 8/29/05 entered as Response to Election/Restriction Requirement. The response to the reconsideration request regarding the Election/Restriction will be addressed as set forth here below in the section of this Office action discussing the reconsideration. However, the restriction requirement still stands for the present time.
2. The Miscellaneous Incoming Letter of 10/28/05 has been entered.
3. An Amendment and Request for RCE were filed 11/29/04 and entered.
4. As a preliminary matter, the PCT References and Non-Patent references on the IDS of 4/01/04 and 4/26/04 are missing from the image file wrapper. Applicant is respectfully requested to resubmit these references for consideration in order for the Examiner to give the application a proper examination.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
6. Claims 15, 16, 19, 20, and 34-37 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 recites the limitation "the programming also providing for a first counterparty of at least one counterparty pair to sequentially ..., using the at least one display device ..., a series of forwards trading orders ..., the programming ...". This claim limitation as written is confusing and the

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metes and bounds of the claim limitation cannot be determined. Therefore, the claim is considered indefinite. Claims 16, 19, and 20 have a similar problem.

Claim 34 recites in the preamble “a method ...” and then in the body of the claim first the method step of the claim is recited then the claim recites a “trading system executing and elements of a system claim. It cannot be determined whether the claim is really a method claim or a system claim. The format for a method claim is as follows: displaying forwards trading orders ...; executing a trade of matched forwards ...; providing notification, after execution of the trade, to the parties of the counterparty pair ...; and executing the new trade between both of the parties of the counterparty pair ...”. Claims 35-37 have a similar problem.

Claim 17 depends from a rejected base claim and is also rejected.

Response to Election/Restriction Request For Reconsideration

The request for reconsideration of the Election/Restriction requirement has been fully considered. The restriction will be withdrawn providing the Applicant amends the claims 15-17, 19, 20, and 34-36 to have similar elements to make the two groups in agreement. For example, Claims 15-17, 20, 34, and 36 have the following: displaying forwards trading orders on display devices, the programming providing for the trading system to not execute any trade of forwards trading orders, providing a first counterparty of at least one counterparty pair to sequentially select for execution by the trading system and claims 19 and 35 have method steps for receiving, processing and storing forwards orders to execute forwards trades including forwards spread trade comprising a first leg forwards trade and a second leg forwards trade, the difference

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between prices of the first and second leg forwards trade representing a price spread of the spread trade which are not found in claims 15, 16, 19, 20, 34 and 36.

Suggestions for the claim limitations since these were things that were argued in a previous response to the prior Examiner's Office action: It was argued that not all orders selected by an aggressor for execution are executed, and before completing the trade, a check is performed by the trading system according to programming, e.g., verifies that the order is still available and has not been cancelled or processed and verifies that the trade is not between users in the same firm and further that the trading system automatically sets up and maintains links between a forwards spread trading order and components of the first and second legs, selection of an order from a component of the primary leg or the secondary leg or the spread order can lead to execution of a trade.

An art rejection has not been given because of remaining outstanding issues which need to be addressed as set forth above.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

August 19, 2006



ELLA COLBERT
PRIMARY EXAMINER